



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 040679-1173

Recon.

#19

5/21/03
Drewes

In re Patent Application of

Masahiro ARAI *et al.*

Serial No. 09/727,554

Group Art Unit: 3748

Filed: December 4, 2000

Examiner: Jaime W. Corrigan

For: SYSTEM AND METHOD FOR CONTROLLING INTAKE AIR BY VARIABLE
VALVE TIMING

**REPLY AND AMENDMENT
UNDER 37 C.F.R. § 1.111**

Commissioner for Patents
Washington, D.C. 20231

Sir:

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In response to the Office Action mailed August 27, 2002, please consider the following Remarks regarding the claim rejections set forth therein.

REMARKS

Applicants request favorable reconsideration of this application in view of the following remarks. Claims 1-10 were pending in the application. Claims 1, 5, 9, and 10 were rejected in the Office Action. Applicants appreciate the allowance of claims 2-4 and 6-8. No claims have been amended and no new matter has been added.

1. Rejection of Claims 1 and 5

The Examiner rejected claims 1 and 5 under 35 U.S.C. § 112, ¶ 2 “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Specifically, the Examiner rejected the claims because their preambles recite a “throttle valve” whereas their body portions recite an “unthrottled” condition. Applicants respectfully traverse this rejection.

With respect to Figure 1, there is shown a throttle valve 44. The valve 44 is adjustable between a first state at which air intake may be throttled and a second state at which air intake is substantially unthrottled, *i.e.*, the “throttle valve” 44 is variable and may,